

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JESSE LASLOVICH**, on February 7, 2007  
at 8:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Jesse Laslovich, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)  
Sen. Gary L. Perry (R)  
Sen. Jim Shockley (R)  
Sen. David E. Wanzonried (D)

**Members Excused:**

Sen. Carol Williams (D)

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 306, 2/2/2007  
Executive Action: SB 379, SB 192

**HEARING ON SB 306**

**Opening Statement by Sponsor:**

00:02:22 SEN. DAN HARRINGTON (D), SD 38, opened the hearing on SB 306, Eliminate death penalty.

**Proponents:**

00:14:42 Mary Sheehy Moe

00:21:02 Bishop Thomas, Roman Catholic Diocese of Helena,  
Montana Catholic Conference

**EXHIBIT(jus27a01)**

00:27:34 Ed Sheehy, Jr., Attorney

00:39:06 Gary J. Hilton

00:50:57 Sam Millsap

00:58:35 David Kaczynski

01:05:29 Marietta Jeager-Lane

01:12:31 J. A. Ziggy Ziegler, Montana Catholic Conference

01:19:52 Ronald Waterman, Attorney

01:24:45 Paul Richards

01:28:09 Rep. Joey Jayne

01:29:00 Betsy Griffin, American Civil Liberties Union

01:30:32 Rev. Brady Vardemann, Montana Organization of Churches

01:31:34 Eve Malo

01:33:00 Dan Doyle, Criminologist, University of Montana

01:36:10 Rev. Susan DeBree, United Methodist Church

01:37:11 Beth Brenneman, Attorney, State Advocacy Program

01:38:17 Bill Hunt, Retired Member, Montana Supreme Court

01:38:49 Erin Caughoran, Student

01:39:28 Amanda Arnold, Montana Human Rights Organization

01:40:00 Mary Jolley

**Opponents:**

01:41:46 Tom Berry

**EXHIBIT(jus27a02)**

01:44:09 Bernard Ferch, Minister

01:50:23 Doug Nulle

01:56:08 W. Lee Smith

01:58:52 Mable Ferch

02:02:20 Mary McLaughlin

02:04:16 Sen. Dan McGee

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:20:01 Sen. O'Neil to Bishop Thomas

02:21:24 Sen. Moss to Gary Hilton

02:24:26 Sen. Moss to Dan Doyle

02:25:19 Sen. Moss to J. A. Ziggy Ziegler

02:26:57 Sen. Perry to Sen. Harrington

02:29:56 Sen. Perry to Rev. DeBree

02:36:31 Sen. Jent to Ronald Waterman

02:41:58 Sen. Jent to Ed Sheehy

02:48:09 Sen. O'Neil to Dan Doyle (he had already left)

02:48:35 Sen. Williams to Ed Sheehy

02:50:01 Sen. Laslovich to Gary Hilton

**Closing by Sponsor:**

02:54:12 Sen. Harrington

**Discussion:**

02:56:33 Sen. Laslovich

02:58:52 Rep. Janna Taylor (Opponent)

03:03:16 Sen. Laslovich

03:03:24 Break

03:19:23 Resume

03:21:02 Sen. Laslovich

03:21:49 Sen. Perry

**EXECUTIVE ACTION ON SB 379**

03:22:17 **Motion:** SEN. SHOCKLEY moved that SB 379 DO PASS.

**Discussion:**

03:22:55 Sen. O'Neil to Sen. Laslovich

03:23:40 **Motion/Vote:** SEN. WILLIAMS CALLED THE QUESTION ON SB 379. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 192**

03:24:35 Sen. Laslovich

03:24:46 **Motion:** SEN. SHOCKLEY moved that SB 192 DO PASS.

**Discussion:**

03:25:10 **Motion:** SEN. SHOCKLEY moved that CONCEPTUAL AMENDMENT BE ADOPTED.

03:25:57 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON AMENDMENT. Motion carried unanimously by voice vote.

03:26:12 **Motion:** SEN. MCGEE moved that SB 192 DO PASS AS AMENDED.

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**Discussion:**

03:26:26 **Motion:** SEN. MCGEE moved that SB019204.AVL BE ADOPTED.

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**Discussion:**

03:26:55 Valencia Lane, LSD

03:27:30 Sen. McGee to Sen. Jeff Essmann

03:32:19 Sen. Juneau to Sen. Essmann

03:34:24 Sen. O'Neil to Sen. Essmann

03:37:26 Sen. Shockley to Sen. Essmann

03:38:53 Sen. Moss to Sen. Essmann

03:40:57 Sen. Perry to Aimee Grmoljez, Montana Advocacy Program

03:43:56 Sen. Laslovich to Sen. Essmann

03:45:21 Sen. Perry to Sen. Essmann

03:47:35 Sen. Laslovich

03:47:41 **Motion/Vote:** SEN. JENT CALLED THE QUESTION ON amendment. Motion carried 11-1 by voice vote with SEN. JENT voting no.

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**Discussion:**

03:49:00 Sen. Laslovich

03:52:39 Sen. Shockley to Sen. McGee

03:52:43 **Motion/Vote:** SEN. MCGEE moved that SB 192 DO PASS AS AMENDED. Motion failed 4-8 by roll call vote with SEN. LASLOVICH, SEN. MCGEE, SEN. MOSS, and SEN. PEASE voting aye.

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**Motion/Vote:** SEN. LASLOVICH moved that SB 192 BE TABLED AND THE VOTE REVERSED. Motion carried.

03:54:49 Sen. Jent introduced students

03:55:31 Sen. Laslovich

**ADJOURNMENT**

Adjournment: 12:05 P.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus27aad.pdf](#))**